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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. 08-CR-375 RMW
Plaintiff,) STIPULATION AND []
v.) ORDER CONTINUING HEARING TO
JAVIER ESPINOZA,) APRIL 30, 2012
Defendant.)

The Parties, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for March 26, 2012 at 9 a.m. be vacated, and that the hearing be re-set for April 30, 2012 at 9 a.m. The parties are requesting the continuance of the hearing due to the need for additional time for effective preparation, and the need to jointly negotiate a resolution in this matter.

The parties stipulate that the time between March 26, 2012 and April 30, 2012, is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the

1 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
2 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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5 DATED: March 21, 2012

6 MELINDA HAAG
United States Attorney

7 _____/s/
8 CAROLYNE A. SANIN
9 Special Assistant United States Attorney

10 _____/s/
11 VARELL FULLER
12 Attorney for Defendant

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17 **I ORDER**

18 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
19 ORDERED that the hearing currently set for March 26, 2012 at 9 a.m., shall be continued to
20 April 30, 2012, at 9 a.m.

21 THE COURT FINDS that failing to exclude the time between March 26, 2012 and April
22 30, 2012, would unreasonably deny the government continuity of counsel and deny defense
23 counsel reasonable time necessary for effective preparation, taking into account the exercise of
24 due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

25 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
26 between March 26, 2012 and April 30, 2012, from computation under the Speedy Trial Act
27 outweigh the interests of the public and the defendant in a speedy trial.

28 THEREFORE, IT IS HEREBY ORDERED that the time between March 26, 2012 and

1 April 30, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
2 3161(h)(7)(A) and (B)(iv).

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4 IT IS SO ORDERED.
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6 DATED: ~~HEF~~
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RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

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